

STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALT LAKE CITY, UTAH

AUTHORIZATION TO DISCHARGE UNDER THE
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM
(UPDES)

GENERAL PERMIT FOR DRINKING WATER TREATMENT PLANTS

In compliance with provisions of the *Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated ("UCA") 1953, as amended* (the "*Act*"), drinking water treatment plants, as described herein, are hereby directed to have no discharges to waters of the state except as allowed for in accordance with the provisions of Part I.D.1. of this permit.

This permit shall become effective on June 1, 1998.

This general permit shall expire at midnight, May 31, 2003.

Signed this 29th day of April, 1998.

Authorized Permitting Official
Executive Secretary
Utah Water Quality Board

TABLE OF CONTENTS

<u>Cover Sheet--Issuance and Expiration Dates</u>	<u>Page No.</u>
I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS	3
A. Definitions	3
B. Coverage Under the General Permit.	4
C. Narrative Standard	6
D. Specific Limitations and Waste Disposal Requirements.	6
II. MONITORING, RECORDING AND REPORTING REQUIREMENTS	9
A. Monitoring Requirements	9
B. Representative Sampling	9
C. Monitoring Procedures	9
D. Penalties for Tampering	9
E. Reporting Requirements	9
F. Records Contents	10
G. Retention of Records	10
H. Inspection and Entry	10
III. COMPLIANCE RESPONSIBILITIES	11
A. Duty to Comply	11
B. Penalties for Violations of Permit Conditions	11
C. Need to Halt or Reduce Activity not a Defense	11
D. Duty to Mitigate	11
E. Proper Operation and Maintenance	11
F. Removed Substances	11
G. Bypass of Treatment Facilities	12
H. Upset Conditions	13
I. Toxic Pollutants	13
J. Changes in Discharge of Toxic Substances	13
K. Industrial Pretreatment	14
IV. GENERAL REQUIREMENTS	15
A. Planned Changes	15
B. Anticipated Noncompliance	15
C. Permit Actions	15
D. Duty to Provide Information	15
E. Other Information	15
F. Signatory Requirements	15
G. Penalties for Falsification of Reports	16
H. Availability of Reports	16
I. Oil and Hazardous Substance Liability	17
J. Property Rights	17
K. Severability	17
L. Transfers	17
M. State Laws	17
N. Water Quality-Reopener Provision	17
O. Toxicity Limitation-Reopener Provision	18
P. Storm Water-Reopener Provision	18

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
2. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
3. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
4. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
5. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
6. "EPA" means the United States Environmental Protection Agency.
7. "Act" means the "*Utah Water Quality Act*".
8. "Best Management Practices" ("*BMPs*") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
9. "CWA" means *Clean Water Act* of the *Federal Water Pollution Control Act*.
10. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges.

B. Coverage Under the General Permit.

1. This general UPDES permit shall apply to Drinking Water Treatment Plants located in the State of Utah that have no discharge of backwash water, product water, or wastewater from routine maintenance procedures, under normal operating conditions.
2. For existing, active permittees wishing to continue their coverage under this general permit as of the effective renewal date of this permit, coverage will automatically continue, as is, unless otherwise notified by the Executive Secretary. Submission of a new NOI is not necessary unless conditions described in the original NOI have changed substantially.
3. For new applicants to be considered for coverage under the terms and conditions of this permit, the owner, operator, or authorized agent of a facility must submit a completed Notice of Intent (NOI) by certified mail to the following address:

Utah Department of Environmental Quality
Utah Division of Water Quality
288 North 1460 West
P. O. Box 144780
Salt Lake City, Utah 84114-4870
Attention: Permits & Compliance Section

The NOI application form is available from the Division of Water Quality. It requires the following information:

- a. Name, address, telephone number, descriptive location of the facility, and latitude/longitude location;
- b. Name of individual in charge of operation of the facility;
- c. Name of potential receiving water(s);
- d. Description of any wastewater treatment system and recycle/reuse utilized;
- e. Description of the current disposal practices for sediment and backwash sludges generated; and
- f. Signature of owner, operator, or authorized agent (see Part IV.F. Signatory Requirements) and the following certification statement:

"I certify that, to the best of my knowledge and belief, the

PART I
Permit No. UTG640000

information contained in this application is accurate and complete. I further certify that I have reviewed and hereby adopt the UPDES general permit No. UTG640000 as issued for Drinking Water Treatment Plants located in the State of Utah.”

4. For new applicants, the Executive Secretary will notify the applicant whether or not the NOI is complete. If the NOI is incomplete, additional information will be requested.
5. The owner or operator of a plant excluded from coverage by this general permit solely because that plant already has an individual UPDES permit, may request by submitting an NOI, that the individual permit be revoked and the plant be covered by this general permit.

If (when) the NOI is complete and it is determined that the applicant is eligible for coverage by this general permit, the Executive Secretary will issue general permit coverage for the plant, usually within 60 days of receipt of the NOI. If it is determined that the applicant is ineligible for coverage by this permit, the Executive Secretary will so notify the applicant.

When general UPDES permit coverage is issued to an owner or operator otherwise covered under an individual UPDES permit, the individual permit is automatically terminated upon the effective date of the general UPDES permit coverage.

6. Any owner or operator covered by this general permit may request to be excluded from the coverage by applying for an individual UPDES permit. In addition, in accordance with *Utah Administrative Code (UAC) R317-8-2.5*, the Executive Secretary may require any owner or operator covered under this permit to apply for and obtain an individual UPDES permit for reasons that include the following:
 - a. The discharge(s) is a significant contributor of pollution;
 - b. The discharger is not in compliance with the conditions of this general permit; or
 - c. Conditions or standards have changed so that the discharger no longer qualifies for a general permit.
7. When an individual UPDES permit is issued to an owner or operator otherwise covered under this general permit, the coverage of the general permit coverage to that owner or operator is automatically terminated upon the effective date of the individual UPDES permit.

C. Narrative Standard.

It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or results in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

D. Specific Limitations and Waste Disposal Requirements.

1. Effluent Limitations

During the term of this permit, the following effluent limitations apply to all drinking water treatment plants covered by this permit:

- a. There shall be no discharges to waters of the State except as provided for in paragraphs b and c.
- b. The discharge of water from emergency overflow systems shall occur only as a result of equipment failure and the need to protect the plant from flooding and/or to prevent severe property damage and will be allowed only if the plant has been properly operated and maintained (see Part III.E.). If such a discharge occurs, whenever possible the permittee shall dispose of the overflow on land to avoid any potential impacts on receiving waters. In addition, the permittee must comply with Part II.E, Reporting Requirements and the requirements of Part III.G, Bypass of Treatment Facilities, or Part III.H, Upset Conditions, whichever apply.
- c. Routine, excess, presedimentation flows can be discharged provided that:
 - (i) No chemicals are added to the water prior to returning it to the original water course;
 - (ii) The excess flow is conducted on a continuous basis or at such frequency as to minimize any slugging effect in the receiving stream due to the return of settled sediments;
 - (iii) The discharge is properly managed to minimize erosion of the stream channel;

- (iv) There are no significant detrimental affects on the receiving water quality or on downstream beneficial uses.
 - d. Floating debris in the intake water that has been collected and allowed to accumulate shall be considered removed substances (see Part III.F) and shall not be returned to the receiving stream. Debris that has been diverted and/or is continually returned to the receiving stream shall not be considered removed and will be allowed.
 - e. There shall be no discharges occurring from the dewatering of water treatment chemicals sludges.
2. Best Management Practices
- a. The permittee shall take such precautions as are necessary to maintain and operate the plant in a manner that will minimize upsets and ensure stable operating conditions.

PART I
Permit No. UTG640000

- b. The permittee shall visually inspect, at least weekly, the pond(s) that receive filter backwash water and product water to determine if there is adequate freeboard to minimize the likelihood of an accidental discharge. If it is determined that a discharge is occurring and/or there is not adequate freeboard, the appropriate corrective measures shall be taken immediately.
- c. Water treatment chemicals and other substances having a waste contributing potential shall be handled and stored with adequate protection to prevent any of these materials from entering waters of the State.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Monitoring Requirements. The permittee shall visually monitor and sample with a grab sample all discharges, other than excess, presedimentation flows and record the following information:
1. Description of the discharge and cause;
 2. Period of discharge including exact dates and times;
 3. Estimate of the discharge volume;
 4. Total residual chlorine and total suspended solids concentration;
 5. Name of the receiving stream;
 6. Name of the person recording discharge; and
 7. Corrective steps planned or taken, to reduce, eliminate or prevent reoccurrence of the discharge.
- B. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part II.A.* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- C. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, unless other test procedures have been specified in this permit.
- D. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- E. Reporting Requirements. All discharges other than excess, presedimentation flows shall be reported by telephone to the Division of Water Quality, Permits and Compliance Section at (801)538-6146 by the first workday (8:00 a.m. - 5:00 p.m.) following the day the permittee became aware of the circumstances. The permittee shall submit to the Division a written report within five (5) days of such notification. All reports shall contain the information required in Part II.A. and shall be sent to the following address:

Department of Environmental Quality
Division of Water Quality
288 North 1460 West
PO Box 144870
Salt Lake City, Utah 84114-4870
Attention: Permits & Compliance Section

- F. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) and time(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- G. Retention of Records. All records and information resulting from the monitoring activities required by this permit shall be maintained for a minimum of three years. This period may be extended by the request of the Executive Secretary at any time.
- H. Inspection and Entry. The permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine not exceeding \$25,000 per day of violation; Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at *Part III.G, Bypass of Treatment Facilities* and *Part III.H, Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.

G. Bypass of Treatment Facilities.

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section. Return of removed substances, as described in *Part III.F*, to the discharge stream shall not be considered a bypass under the provisions of this paragraph.
2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under *Part II.E, Reporting Requirements*.
3. Prohibition of bypass.
 - a. Bypass is prohibited and the Executive Secretary may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage ;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
 - (3) The permittee submitted notices as required under paragraph 2 of this section.
 - b. The Executive Secretary may approve an anticipated bypass, after considering its adverse effects, if the Executive Secretary determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2. of this section are met. Executive Secretary's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under *Part II.E, Reporting Requirements*; and,
 - d. The permittee complied with any remedial measures required under *Part III.D, Duty to Mitigate*.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of *The Water Quality Act of 1987* for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Executive Secretary as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 ug/L);
 - b. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4,

6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

- c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(7)* or (10); or,
 - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- a. Five hundred micrograms per liter (500 ug/L);
 - b. One milligram per liter (1 mg/L) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(9)*; or,
 - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.

K. Industrial Pretreatment. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of *The Water Quality Act of 1987*, the permittee shall comply with all applicable federal General Pretreatment Regulations promulgated at *40 CFR 403*, the State Pretreatment Requirements at *UAC R317-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters.

In addition, in accordance with *40 CFR 403.12(p)(1)*, the permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under *40 CFR 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Executive Secretary of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Provide Information. The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Executive Secretary, upon request, copies of records required to be kept by this permit.
- E. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Executive Secretary, it shall promptly submit such facts or information.
- F. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary shall be signed and certified.
 - 1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 - 2. All reports required by the permit and other information requested by the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted

to the Executive Secretary, and,

- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph *IV.F.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph *IV.F.2* must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- G. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- H. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Executive Secretary. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.

- I. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.
- J. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- K. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- L. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Executive Secretary at least 20 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Executive Secretary does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- M. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by *UCA 19-5-117*.
- N. Water Quality-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
 2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.

3. A revision to the current Water Quality Management Plan is approved and adopted which calls for different effluent limitations than contained in this permit.
- O. Toxicity Limitation-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity (WET) testing, a WET limitation, a compliance schedule, a compliance date, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit.
- P. Storm Water-Reopener Provision. At any time during the duration (life) of this permit, this permit may be reopened and modified (following proper administrative procedures) as per *UAC R317.8*, to include, any applicable storm water provisions and requirements, a storm water pollution prevention plan, a compliance schedule, a compliance date, monitoring and/or reporting requirements, or any other conditions related to the control of storm water discharges to "waters-of-State".

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